FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7402 OF 2006

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. Shailesh Khatri i/by M/s. Bankim Desai and Co. for petitioners.

CORAM: B.H. MARLAPALLE,J.

26/04/2007.

P.C.:

. This petition has been filed by the original defendants in R.A.E. & R. Suit No.8/70 of 1978 and the same suit was decreed by the learned Judge of the Small Causes Court at Mumbai. The defendants, therefore, filed Appeal No. 74 of 2002, which came to be dismissed by the Appellate Bench of the same court on 11.08.2006.

. The petitioners, therefore, have a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006

vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)